

Dec. 21. 2006 3:35PM

No. 3984 P. 1

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ATTORNEYS AT LAW

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INTELLECTUAL PROPERTY LAW

PATENT TRADEMARK
AND COPYRIGHT LAW

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December 21, 2006

Via fax only: 1 (571) 273-3201 - 8 pages

PCT Operations
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Request for Corrected Filing Receipt for:
Michael Horstmann et al. U.S. Patent Appln. 10/581,867 filed 06/05/2006
INHALER FOR BASIC PHARMACEUTICAL AGENTS AND
METHOD FOR THE PRODUCTION THEREOF
Our Ref. RO4244US (#90568)

Dear Sir or Madam:

Attached is a copy of the official Filing Receipt for the referenced application that contains an error in the order listing of the inventors, a misspelling of the name of one of the inventors, and a misspelling in the city of the assignee. The corrections are listed below and are as marked on the attached copy of the first two pages of the Receipt:

The proper order and spelling of the inventors names are:


- 1) Michael Horstmann, Neuwied, GERMANY
- 2) Karin Ludwig, Datzeroth, GERMANY
- 3) Christoph Schmitz, Rheinbrohl, GERMANY
- 4) Mohammad Sameti, Bonn, GERMANY
- 5) Yves-Thorsten Przybylla, Nickenich, GERMANY

Further, these corrections are supported by the original "Combined Declaration and Power of Attorney" filed with the application, and a copy of this document is included herewith.

The spelling of the city of the assignee LTS Lohmann Therapie-Systeme AG is:
Andernach.

Please send us a properly corrected Filing Receipt as soon as possible.

Respectfully submitted,


Christine Kotran
for D. Peter Hochberg

Enc.

Dec.21. 2006 3:35PM

No.39842agP. 2f3



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/581,867	06/05/2006	3743	1400	RO4244US (#90568)	5	30	1

28672
D. PETER HOCHBERG CO. L.P.A.
1940 EAST 6TH STREET
CLEVELAND, OH 44114

CONFIRMATION NO. 3928

FILING RECEIPT



OC000000021563659

Date Mailed: 12/12/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Change from:

To:

- | | |
|---|--|
| - 1) Michael Horstmann, Neuwied, GERMANY; | 1) Michael Horstmann, Neuwied, GERMANY |
| - 3) Christoph Schmitz, Rheinbrohl, GERMANY; | 2) Karin Ludwig, Datzeroth, GERMANY |
| - 2) Karin Ludwig, Datzeroth, GERMANY; | 3) Christoph Schmitz, Rheinbrohl, GERMANY |
| - 4) Mohammad Sameti, Bonn, GERMANY; | 4) Mohammad Sameti, Bonn, GERMANY |
| - 5) Yves-Thorsten Przybylla, Nickenich, GERMANY; | 5) Yves-Thorsten Przybylla, Nickenich, GERMANY |

Assignment For Published Patent Application

LTS Lohmann Therapie-Systeme AG, Andernach, GERMANY
Andernach

Power of Attorney: The patent practitioners associated with Customer Number 28672.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP04/12947 11/16/2004

Foreign Applications

GERMANY 103 56 925.1 12/05/2003

If Required, Foreign Filing License Granted: 12/11/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/581,867**

Projected Publication Date: 03/22/2007

Non-Publication Request: No

Early Publication Request: No

Title

Inhaler for basic pharmaceutical agents and method for the production thereof

Preliminary Class

128

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

Attorney Docket No. R04244US (#90568)

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- ☐ original
- ☐ design

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check any of next two items and check appropriate one of last three items.

- ☒ national stage of PCT
- ☐ supplemental

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

**"INHALER FOR BASIC PHARMACEUTICAL AGENTS AND METHOD FOR PRODUCTION
THEREOF"**

SPECIFICATION IDENTIFICATION

the specification of which: (complete (a), (b), or (c))

- (a) ☐ is attached hereto.
 (b) ☐ was filed on _____ as ☐ Serial No. _____ or
 ☐ Express Mail No. _____, as Serial No. not yet known
 and was amended on _____ (if applicable).
 (c) ☒ (X) was described and claimed in PCT International Application
 No. PCT/EP 2004/012947 filed on November 16th, 2004
 and as amended under PCT Article 19 on _____ (if any).

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. Sec. 1.56(a).

- ☐ In compliance with this duty there is attached an information
 disclosure statement. 37 CFR 1.97.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☐ no such applications have been filed.
 (e) ☒ (X) such applications have been filed as follows

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NO.	DATE OF FILING (month, day, year)	PRIORITY CLAIMED UNDER 37 USC 119
<div style="text-align: right;">() YES NO ()</div>			

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS

(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Germany Application No. 103 56 925.1 filed December 5th, 2003
PCT Application No. PCT/EP 2004/012947 filed November 16th, 2004

POWER OF ATTORNEY

As a named inventor, I hereby appoint D. Peter Hochberg, Reg. No. 24,603, Sean Mellinö, Reg. No. 48,817, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO:

D. Peter Hochberg Co., L.P.A.
The Baker Building - 6TH Floor
1940 East 6th Street
Cleveland, Ohio 44114-2294

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

D. Peter Hochberg
(216) 771-3800

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full name of first inventor: Michael HORSTMANN

Inventor's signature: _____



Date: _____

March 20, 2006

Country of Citizenship: German

Residence: Friedrich-Karl-Strasse 9, 56564 Neuwied, Germany

Post Office Address: Friedrich-Karl-Strasse 9, 56564 Neuwied, Germany

Full name of second inventor: Karin LUDWIG

Inventor's signature: Karin Ludwig

Date: March 22, 2006 Country of Citizenship: German

Residence: In der Au 9, 56589 Datzeroth, Germany
Post Office Address: In der Au 9, 56589 Datzeroth, Germany

Full name of third inventor: Christoph SCHMITZ

Inventor's signature: Christoph Schmitz

Date: March 22, 2006 Country of Citizenship: German

Residence: Auf dem Sand 30, 56598 Rheinbrohl, Germany
Post Office Address: Auf dem Sand 30, 56598 Rheinbrohl, Germany

Full name of fourth inventor: Mohammad SAMETI

Inventor's signature: Mohammad Sameti

Date: March 22, 2006 Country of Citizenship: German

Residence: Albertus-Magnus-Str. 32, 53177 Bonn, Germany
Post Office Address: Albertus-Magnus-Str. 32, 53177 Bonn, Germany

Full name of fifth inventor: Yves-Thorsten PRZYBYLLA

Inventor's signature: Yves-Thorsten Przybylla

Date: March 22, 2006 Country of Citizenship: German

Residence: Auf dem Teich 7, 56645 Nickenich, Germany
Post Office Address: Auf dem Teich 7, 56645 Nickenich, Germany

CHECK PROPER BOX(ES) IF ANY OF THE FOLLOWING ADDED PAGE(S)
FORM A PART OF THIS DECLARATION

- () Signature for third and subsequent joint inventors. Number of pages added _____.
- () Signature by administrator(trix), executor(trix) or legal representative of deceased or incapacitated inventor. Number of pages added _____.
- () Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added _____.

- () Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.
- () Number of pages added _____.

If no further pages form a part of this Declaration then end this Declaration with this page and check the following item.

(X) This declaration ends with this page.